



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

January 20, 2009

January 13, 2009

Flash Drive	File #1002	
Minute Orders	M09-10	M09-12
Resolutions	R09-01	R09-01
Ordinance	Ord09-01	Not Used

January 20, 2009

Flash Drive	File #1003	
Minute Orders	M09-13	M09-16
Resolutions	R09-02	R09-03
Ordinance	Ord09-01	Not Used

9:00 AM Meeting Called to Order by Chairman Bill Reid

Pledge of Allegiance led by Deputy Clerk Renn Nolan

The Board watches the presidential inauguration 9:00 a.m. to 9:30 a.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke

BOARD MEMBER REPORTS

Hunt: Town county liaison meeting – sales tax and motor vehicle tax; measure R is generating monies; Bruce Kenny DFG; Board meeting of air pollution control board;

Farnetti: Town County Liaison meeting – ERAF shift discussed; Town is 52% booked for Martin Luther King weekend;

Hazard: Met with Andy from the Sheet; GBAPC meeting – monitoring of wood burning according to State Standards; because monitoring equipment sat directly below a smoke stack for church made results look like they were much worse than was true; policy decision as to Mono County's own standards re wood burning, etc. Our policy should be updated; Larry from BLM – met by chance in Bishop – discussed possibility of long term lease of land in Hammil Valley; Board needs to submit a letter of request with diagram of property County is looking at; CDD is working on this; Bob Haueter meeting – he says we need to place more projects before Congressman's staff. CAO states we do have a list of projects and it will be given to Bob

Bauer: LAFCO meeting – water issues out of district 2 area; John Wentworth from ML meeting; YARTS meeting last Monday – opening of new gateways is happening; discussions with Dick Wittington, interim director; YARTS

management location has not been decided; needs assessment meeting attended; met with Bob Haueter
Reid: Mgt. meeting – impressed with rapport; attended agenda meeting; RCRC annual dinner and meeting – Supervisor Reid will attend.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (David Wilbrecht)
RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.
Need assessment is going forward report will come in two parts
Status meetings with all county department heads
Town/County Liaison
Almost finished with office move at Sierra Center Mall – nice offices

2) APPROVAL OF MINUTES

- M09-13** Minutes of the regular meeting held January 6, 2009.
Bauer/Hazard 5-0

Closed Session: 9:30

Break: 10:15

Reconvened: 10:20

CLOSED SESSION

COUNTY COUNSEL

- 3a) Employee Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Counsel.

COUNTY ADMINISTRATIVE OFFICE

- 4a) Employee Performance Evaluation - PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code section 54957. Title: County Administrator.

HUMAN RESOURCES

- 5a) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret.
Employee Organization(s): Mono County Public Safety Officers Association.
- 5b) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret.
Employee Organization(s): Mono County Deputy Sheriffs' Association.
- 5c) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Mark Mikulicich, & Robert Garret.
Employee Organization(s): Mono County Paramedic Rescue Association.

DEPARTMENT REPORTS/EMERGING ISSUES

Marshall Rudolph, County Counsel passes out information regarding how many votes different questions/issues need in order to pass.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

CLERK OF THE BOARD

- 6a) There are no items on the Consent Agenda.

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 7a) Letter from White Mountain Fire Protection District - Letter from Jeff Gordon, Assistant Chief, White Mountain Fire Protection District, regarding the District's interest in obtaining a white 2002 Ford Expedition at the County Shop in Bridgeport if the County has no further use for it.
Hazard questions why Public Works cannot approve this? Although the CAO already has this authority, Board wants to be kept apprised of any vehicle acquisitions when used vehicles are requested.
- 7b) Letters regarding the Wild Heritage Act - Public comment regarding the Eastern Sierra and San Gabriel Wild Heritage Act.

BOARD OF SUPERVISORS

- 8a) Out of State Travel (**Vikki Magee-Bauer**) - Consider out of state travel for Supervisor Bauer to attend the NACo Legislative and NACo Western Interstate Region Conferences.

Supervisor Bauer feels that she has and can make a difference re Local Transportation System. Fiscal impact is approximately \$3,000. Supervisor Hazard would like to know what we are getting back from NACo. Workshops that will be available are all valuable. Reid wants to have a laundry list when going on trips to be accountable to public if asked. Bauer will prepare a report of her trip.

- M09-14** **Action:** Approve out-of-state travel for Supervisor Bauer not to exceed \$3,000.
Hunt/Farnetti 5-0

AMBULANCE PARAMEDICS

- 9a) MOU between Mono County and White Mt. Fire for use of ambulance # 888 (**Mark Mikulicich, Paramedic Rescue Chief**) - Consider and potentially approve County entry into proposed contract with White Mountain Fire Department pertaining to the use of County ambulance # 888, and authorize the Chairperson of the Board to execute said contract on behalf of the County. Receive staff report. Mark Mikulicich addresses the Board. Fiscal Impact is approximately \$5,000.00 Supervisor Hazard states he has positive feeling about this situation and realizes that the County has a responsibility to sick and injured people in this area. It is appropriate for County to control and finance the maintenance as it does at this time. Operational MOU's with other Fire Departments are still in the works. Reid comments on fact that we have come a long way

M09-15 **Action:** Approve County entry into proposed contract. Authorize Board Chairperson to sign said contract on behalf of the County.
Hazard/Hunt 5-0

Recess: 10:50 a.m. to 10:55 a.m.

PUBLIC WORKS

- 10a) Contract Award – Bridgeport Landfill Closure Construction (**Evan Nikirk**) - Receive staff report regarding results of bids received for closure construction at the Bridgeport Landfill and consider results of investigation into the merits of two bid protests received. Provide any desired direction to staff. **Evan Nikirk** addresses the Board. Requests this item be moved to end of meeting as County Counsel is reviewing it at this time. Item is moved to end of meeting.
Item presented at 12:05 p.m.

NO ACTION **Action:** 1. Receive staff report concerning protests filed with respect to certain bids received in response to the County's solicitation of bids for closure construction at the Bridgeport Landfill. 2. Based on that report, provide direction to staff on how to proceed further with respect to that project, including, without limit, rejecting all bids submitted; approving revised plans and specifications for that project; and directing Public Works to re-advertise and re-solicit bids for its construction in accordance with the Public Contract Code.

Nature of protests (2) are invalid on their face as the basis of protests is moot.

2nd lowest bidder is WES Construction – Troy Gray from WES Construction (one of protestors) re warranty provisions being made part of the contract. 5 yr. and 20 yr. provisions were guaranteed by WES Construction in writing. Low bidder did not meet county requirements of bid documents. Mr. Gray feels that his firm was the lowest responsible bidder. He feels the low bidder, Cal Fran's bid was "non responsive".

Evan Nikirk addresses responsiveness of low bidder.

Allan Berrey addresses legal issues in bidding procedure.
Troy Gray addresses Board re wording of bid document.

Board Comments:

Hazard: compelling arguments – County has failed to determine the completeness of bids submitted. Feels WES Construction has failed to protest in timely manner. Checking of mandates of bid document was not thorough. Feels original low bid was not responsive and bidder should have chance to explain.
Evan states there is time to “re-bid” project. Problem is all bidders know what amounts have been bid. Board does not want to go back out to bid unless necessary.
Farnetti feels that all bids should be submitted in an accurate and complete condition. Should be reviewed and gone over thoroughly.
Hunt – hopes some lessons have been learned. Objects to the process as it is done now. Cal Fran was not “whole” in its bid in the beginning.
Reid asks Troy re deadline for protest.
County Counsel states that Cal Fran should be given opportunity to explain their apparent non-responsiveness.
Marshall Rudolph feels this matter needs to be postponed and a Closed Session item scheduled for next meeting along with an item allowing Cal Fran to explain itself.

Board consensus is to agendize this matter for next meeting with a closed session item and an open agenda item that allows Cal Fran to come in the explain/defend it response to bid.
Troy from West Construction will be notified.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 11a) Resolution for Approval of Grant Application: Lee Vining Trees (**Andrea Jensen**) -Consider and potentially adopt proposed resolution, Resolution to Apply for Grant: Trees for Lee Vining. The grant is funded by CA Resources Board for Environmental Enhancement & Mitigation. The grant would allow the county to implement the Lee Vining Streetscape project.
Andrea Jensen addresses the Board re #11a and 11b
Pipeline, etc. for Irrigation to trees is in progress by Public Works -
- R09-02** **Action:** Adopt **Resolution R09-02** approving the submission of an application for grant funds from the Environmental Enhancement and Mitigation Program Fund under section 164.56 of the Streets and Highways Code for the Lee Vining Trees project.
Bauer/Hazard 5-0
- 11b) Resolution for Approval of Grant Application: Bridgeport Restroom (**Andrea Jensen**) -Resolution for Approval to Apply for Grant: Bridgeport Restroom. Receive staff report. The EEM grant comes from the CA Resources Board. The grant would allow a new, pre-fabricated bathroom unit to be installed near the Bridgeport Park and scenic kiosk.
Supervisor Reid stresses the need for a 24 hour restroom, summer and winter.
Finance Director Muir suggests that enough money is appropriated from CIP for signs.
Supervisor Hazard feels that this exact need exists throughout the county and the same as thee trees.

- R09-03** **Action:** 1) Adopt **Resolution R09-03** approving the submission of an application for grant funds from the Environmental Enhancement and Mitigation Program Fund under section 164.56 of the Streets and Highways Code for the Bridgeport Restroom Facility project. 2) Approve and authorize the Public Works Director to utilize up to \$17,700 from the Capital Improvement Account as match funding (10%) for the Bridgeport Restroom Facility.
- M09-16** **Hunt/Bauer 5-0**

- 11c) Wind Energy Development on Inyo National Forest (**Jon Regelbrugge**) - Receive presentation by Jon Regelbrugge regarding wind energy development in Mono County.

Action: No formal action. Presentation only.

Jon Regelbrugge, District Ranger of Inyo National Forest – discussion of possibility of developing the wind energy on the Inyo National Forest land – The Inyo Forest has not yet determined if they will accept the proposal for wind energy and will not until after a discussion and input from officials and staff. This is a beginning today. Andy Zalay from Ewind energy development addresses the Board. . Supervisor Hazard wants to see a lot of information and documentation on this subject. Suggests that outreach be within the communities. Needs more detail. This item should be presented to RPACS in Mono County.

Presentation regarding the installation of anemometers, turbines, etc. and the aesthetic affect on land is discussed. Farnetti and Hunt comment on wind energy in our future and are concerned about the visual impact and community support. The design and presentation are critical. Hazard commits to sitting down with the USFS and Ewind to listen to project ideas. The thought of anything resembling "Tehachapi" is very troubling. Bauer is supportive of first phase. Reid looks at this as an introduction and thanks Mr. Zalay for his presentation today. Supportive of these first steps. Bauer and Hazard will be on a sub-committee for the first steps of this project.

Board adjourns into closed session at 1:10 p.m. Board reconvenes in Regular Session at 2:50 p.m.

- 3:20 p.m. ADJOURNMENT to reconvene at 6:00 p.m. in Social Service Conference Room Mammoth Lakes, California

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